

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff(s),**

**CASE NUMBER: 06-20185  
HONORABLE VICTORIA A. ROBERTS**

**v.**

**ROY CHRISTOPHER WEST,  
ALSEDDRICK DEWUNN WEST,**

**Defendant(s).**

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**ORDER**

This matter is before the Court on Defendant Alseddrick Dewunn West's "Motion to Dismiss with Prejudice, or, in the Alternative, for Release from Detention, for Violation of the Speedy Trial Act." (Doc. #142). Defendant Roy Christopher West concurs in the motion (collectively, "Defendants").

Defendants ask the Court to either dismiss their case or release them from detention because the pretrial delay exceeds the time limit permitted by the Speedy Trial Act. Defendants say the non-excludable delay in this case totals 96 days:

- May 6, 2006 through May 11, 2006 (6 days);
- May 13, 2006 through June 16, 2006 (35 days);
- July 14, 2006 through July 27, 2006 (14 days); and
- March 29, 2008 through May 8, 2008 (41 days).

The Government concedes that the 41 days from March 29, 2008 through May 8, 2008 constitutes non-excludable delay, but says the remaining 55 days constitute

excludable delay.

On April 6, 2006, Defendants were indicted for Conspiracy to Use Interstate Commerce Facilities in the Commission of Murder-for-Hire, in violation of 18 U.S.C. §1985. (Doc. #1). Under the Speedy Trial Act, their trial on this charge must begin within 70 days from May 5, 2006, the date they appeared before the Magistrate Judge and entered pleas of non-guilty. See 18 U.S.C. §3161(c)(1).

The 70-day time limit does not include, *inter alia*:

[a]ny period of delay resulting from a continuance granted by any judge . . . at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

18 U.S.C. §3161(h)(7)(A).

On May 5, 2006, the Court entered an order that: (1) extended the motion cut-off date for co-Defendant Michael Eldren Bracey; and (2) says the period of delay between May 5, 2006 and July 31, 2006 is excludable under the Speedy Trial Act because “failure to grant the extension would deny counsel for the Government and for the Defendant the reasonable time necessary for effective preparation[.]” (Doc. #25).

Because “[a] defendant’s excludable time also includes co-defendants’ excludable time,” *United States v. Gardner*, 488 F.3d 700, 717 (6th Cir. 2007) (citing *United States v. Snelling*, 961 F.2d 93, 95 (6th Cir. 1991)), Defendants’ excludable delay includes the period from May 5, 2006 through July 31, 2006.

Defendants’ motion is **DENIED**. The Speedy Trial Act was not violated.

The hearing on this motion set for March 2, 2009 is cancelled. See L.R.

7.1(e)(2).

**IT IS ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: December 23, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on December 23, 2008.

s/Carol A. Pinegar

Deputy Clerk